

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TING YAO LIN, FANG LIN, SHENG LAN LI, MU LEI
XIE, TING JIA XIE, and XIE XIN YONG,

Plaintiffs,

v.

HAYASHI YA II, INC. d/b/a HAYASHI YA, HAYASHI
YA OF 9 AVENUE, LLC d/b/a HAYASHI YA, FENG
LIN, and YANG QING,

Defendants.

08 Civ. 6071 (SAS)


PLAINTIFFS' MOTION FOR DEFAULT JUDGMENT AND INQUEST

Plaintiffs Ting Yao Lin, Fang Lin, Sheng Lan Li, Mu Lei Xie, Ting Jia Xie and Xie Xin Yong (collectively the "Plaintiffs") hereby move this Court, pursuant to Federal Rule of Civil Procedure 55(b), to enter a default judgment as to liability in the above captioned action against Defendants Hayashi Ya II, Inc, Hayashi Ya of 9 Avenue, LLC, Feng Lin and Yang Qing (collectively the "Defendants"). In support of this motion, Plaintiffs submit the affidavit of Robert Dunn, Plaintiffs' counsel. The Dunn Affidavit attaches the Summons and Complaint, Affidavits of Service for each Defendant and a Clerk's Certificate of Default for each Defendant. The Plaintiffs also submit a proposed form of default judgment pursuant to Local Rule 55.2(b).

Furthermore, Plaintiffs hereby move this Court pursuant to Federal Rule of Civil Procedure 55(b) to refer this action to Magistrate Judge Andrew J. Peck in order to conduct an inquest as to damages and attorneys' fees and costs in the above captioned action.

Dated: New York, New York
September 5, 2008

Respectfully submitted,



By: Robert Dunn
(robert.dunn@skadden.com)
Four Times Square
New York, New York 10036
Tel: (212) 735-3785
Fax: (917) 777-3785

David Colodny
(dcolodny@urbanjustice.org)
Urban Justice Center
123 William Street, 16th Floor
New York, NY 10038
Tel: 646.459.3006
Fax: 212.533.4598

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TING YAO LIN, FANG LIN, SHENG LAN LI, MU LEI
XIE, TING JIA XIE, and XIE XIN YONG,

Plaintiffs,

V.

HAYASHI YA II, INC. d/b/a HAYASHI YA, HAYASHI
YA OF 9 AVENUE, LLC d/b/a HAYASHI YA, FENG
LIN, and YANG QING,

Defendants.

08 Civ. 6071 (SAS)

DEFAULT JUDGMENT

This action having been commenced on July 2, 2008 by the filing of the Summons and Complaint, and a copy of the Summons and Complaint having been served personally on Defendants Hayashi Ya II, Inc, Hayashi Ya of 9 Avenue, LLC, Feng Lin and Yang Qing (collectively the "Defendants") on July 9, 2008 by hand delivery, and proof of service having been filed on July 15, 2008, and the Defendants not having answered the Complaint, and the time for answering the Complaint having expired, it is

ORDERED, ADJUDGED AND DECREED: That the Plaintiffs have judgment against the Defendants as to liability and this action is referred to Magistrate Judge Andrew J. Peck for an inquest as to the amount of damages and the amount of attorney's fees and costs.

Dated: New York, New York

SO ORDERED:

SHIRA A. SCHEINDLIN
U.S.D.J.